

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

* * *

HOBART CORPORATION, et al. ,

Plaintiffs,

vs. CASE NO. 3:13-cv-00115-WHR

THE DAYTON POWER AND

LIGHT COMPANY, et al. ,

Defendants.

* * *

Deposition of CECIL C. YOUNKER, Witness
herein, called by the Plaintiffs for direct
examination pursuant to the Rules of Civil
Procedure, taken before me, Mary Jo Stevens, a
Notary Public in and for the State of Ohio, at the
offices of Sebaly, Shillito + Dyer, 1900 Kettering
Tower, 40 North Main Street, Dayton, Ohio, on
Tuesday, the 20th day of August, 2013, at 10:00
a.m.

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6 * * *

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MR. ROMINE: Before we swear the
witness, we do have five lawyers in the room and I
think seven lawyers at least that we know of on
the telephone , so what I'm going to do is take a
roll call of the lawyers that are here in the room
first and then ask the lawyers on the conference
call to identify themselves . My name is David
Romine . I represent the Plaintiffs Hobart
Corporation , NCR Corporation and Kelsey -Hayes
Company, and I'll just go around the room .

MR. MOSS: David Moss on behalf of
Bridgestone and on behalf of the witness Cecil
Yunker .

MR. BARTLETT: Bob Bartlett on behalf
of Cox Media Group Ohio .

MR. THUMANN: Rob Thumann on behalf
of Franklin Iron & Metal Corporation.

MR. HARBECK: William Harbeck on

10:08:23 1 behalf of Waste Management of Ohio .

10:08:24 2 MR. ROMINE: So that's everybody in

10:08:26 3 the room here , and if the lawyers on the

10:08:28 4 conference call could identify themselves . We

10:08:31 5 think we caught everybody, but we're not sure , so

10:08:35 6 just go ahead and state your name and your firm

10:08:37 7 and the party you represent .

10:08:42 8 MS. WRIGHT: Vicki Wright for

10:08:45 9 Pharmacia, LLC .

10:08:47 10 MR. ROMINE: Okay . We have Vicki

10:08:51 11 Wright representing Pharmacia, LLC .

10:08:55 12 MR. ANDREASEN: John Andreasen,

10:08:56 13 A N D R E A S E N, of McGrath North for Conagra

10:09:05 14 Grocery Products Company .

10:09:07 15 MR. WICK: William Wick, Wactor &

10:09:10 16 Wick, LLP for Bridgestone Americas Tire

10:09:16 17 Operations, LLC .

10:09:19 18 MR. RUDLOFF: Drew Rudloff with

10:09:20 19 Subashi & Wildermuth for the Dayton Board of

20 Education .

21 MR. NES: Brad Nes, Morgan, Lewis &

10:09:25 22 Bockius, LLP for P-Americas .

10:09:29 23 MR. WALKER: Chris Walker , Van Kley &

10:09:31 24 Walker on behalf of Cargill , Hewitt Soap , Bradford

10:09:36 25 Soap , Newmark and Van Dyne Crotty .

10:09:43 1 MR. WINELAND: Erik Wineland with
10:09:45 2 Gallagher Sharp on behalf of the Sherwin-Williams
10:09:48 3 Company .

10:09:57 4 MR. ROMINE: Is there anyone else on
10:09:58 5 the conference call? Hearing nothing , I think
10:10:03 6 we'll go ahead and get started with the
10:10:05 7 deposition .

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1 CECIL C. YOUNKER
2 of lawful age, Witness herein, having been first
3 duly cautioned and sworn, as hereinafter
4 certified, was examined and said as follows:

10:10:16 5 MR. ROMINE: One thing I forgot after
10:10:17 6 the roll call is that the participants that are on
10:10:22 7 the telephone call, you're welcome to participate,
10:10:26 8 object, ask questions, but since we do have a lot
10:10:29 9 of people on the telephone, if you could identify
10:10:32 10 yourselves before you speak, that would help the
10:10:34 11 court reporter know who you are.

12 DIRECT EXAMINATION

13 BY MR. ROMINE:

10:10:37 14 Q. So good morning, Mr. Younker.

10:10:40 15 A. Good morning.

10:10:41 16 Q. Did I pronounce that correctly?

10:10:43 17 A. Right.

10:10:44 18 Q. Okay. So thanks for coming in.

10:10:46 19 As I said before, my name is David Romine. I
10:10:50 20 represent Hobart Corporation, NCR Corporation
10:10:56 21 and Kelsey-Hayes Company in a lawsuit relating
10:10:58 22 to a place called the South Dayton Dump. And
10:11:01 23 I'm going to be asking you some questions
10:11:04 24 today. Mary Jo, the court reporter, will be
10:11:08 25 taking down everything that I say and you say

10:11:11 1 and that everyone says so what I would ask is
10:11:14 2 that you would wait for me to finish asking my
10:11:17 3 question even if you know what I'm going to ask
10:11:20 4 so she can take it down , and on the other hand
10:11:23 5 I'll wait for you to finish answering your
10:11:25 6 question so that she can take it down . This is
10:11:30 7 not a contest or endurance test so if you need
10:11:34 8 to stand up , sit down , take a coffee break ,
10:11:39 9 bathroom break , water break , whatever , that's
10:11:41 10 perfectly fine . Does that sound okay ?

10:11:44 11 A. Yes, sir .

10:11:45 12 Q. Great . So where were you born ?

10:11:49 13 A. Troy , Ohio .

10:11:50 14 Q. And when was that ?

10:11:52 15 A. 1945, March .

10:11:56 16 Q. And did you go to high school in
10:12:00 17 Troy ?

10:12:00 18 A. No .

10:12:00 19 Q. Did you go to high school ?

10:12:03 20 A. One year .

10:12:03 21 Q. One year . And where was that ?

10:12:07 22 A. Lebanon .

10:12:07 23 Q. Lebanon . So you completed one
10:12:10 24 year of high school ?

10:12:11 25 A. Right .

10:12:12 1 Q. And after that one year you
10:12:13 2 started working ?

10:12:15 3 A. I went to the service .

10:12:16 4 Q. To the service , the military ?

10:12:18 5 A. Right .

10:12:19 6 Q. And what branch of service ?

10:12:21 7 A. Army .

10:12:21 8 Q. And how long were you in the Army ?

10:12:24 9 A. Three years .

10:12:25 10 Q. Was that here in the United States
10:12:27 11 or overseas ?

10:12:28 12 A. Both, Korea and here .

10:12:32 13 Q. Korea and here . And so when did
10:12:34 14 you get out of the Army ?

10:12:38 15 A. 1966 .

10:12:43 16 Q. Did you spend any time in the Army
10:12:46 17 Reserves after that ?

10:12:47 18 A. No .

10:12:49 19 Q. And so after you got out of the
10:12:52 20 Army in 1966, where did you come back to, where
10:12:58 21 did you live ?

10:12:59 22 A. Dayton , Ohio .

10:13:01 23 Q. Dayton , Ohio . And did you come to
10:13:06 24 have a job at some point after you got out of
10:13:08 25 the Army ?

10:13:09 1 A. Yes . Dayton Tire & Rubber .

10:13:12 2 Q. Dayton Tire & Rubber . That was
10:13:14 3 your first full-time job getting out of the
10:13:18 4 Army?

10:13:19 5 A. That was my second . One was
10:13:24 6 Standard Molding on Webster Street . I was
10:13:28 7 there a couple months .

10:13:29 8 Q. Okay. What was the name of the
10:13:30 9 company again ?

10:13:31 10 A. Standard Molding .

10:13:32 11 Q. Standard Mooney?

12 A. Molding. Molding.

10:13:32 13 Q. Molding. What did you do for
10:13:33 14 them ?

10:13:33 15 A. Inject fibers into a machine to
10:13:38 16 build like a back for TV sets and packaging .

10:13:44 17 Q. And you worked for them for a
10:13:46 18 couple months ?

10:13:47 19 A. Yeah , about two months .

10:13:48 20 Q. And then you got another job with
10:13:52 21 Dayton Tire & Rubber ?

10:13:54 22 A. Tire & Rubber Company.

10:13:55 23 Q. And that's here in Dayton ?

10:13:57 24 A. Yes , sir .

10:13:57 25 Q. Where in Dayton ?

10:14:01 1 A. Let me try and think . Riverside ,
10:14:06 2 Riverview .

10:14:06 3 Q. River view Avenue?

10:14:07 4 A. Yeah .

10:14:09 5 Q. And would that still be 1966?

10:14:12 6 A. Right , July , '66.

10:14:16 7 Q. And what was your job ?

10:14:18 8 A. General service department .

10:14:20 9 Q. And what did the general service
10:14:23 10 department do ?

10:14:25 11 A. Dumped trash , clean ed.

10:14:35 12 Q. And just to back up a minute , what
10:14:36 13 was Dayton Tire & Rubber's business ?

10:14:39 14 A. Building tires .

10:14:40 15 Q. So was it a factory there that
10:14:43 16 built tires ?

10:14:44 17 A. Right .

10:14:44 18 Q. And I'm going to go back to your
10:14:46 19 job duties in a minute , but how long did you
10:14:49 20 have that job with Dayton Tire & Rubber ?

10:14:52 21 A. Fifteen years .

10:14:53 22 Q. So it would have been about 1980 ?

10:14:57 23 A. 1980 .

10:14:58 24 Q. And what happened in 1980 ?

10:15:00 25 A. They shut down .

10:15:01 1 Q. The plant shut down ?

10:15:03 2 A. Right .

10:15:03 3 Q. Were you in the general services
10:15:05 4 department the whole time ?

10:15:06 5 A. Yes, sir .

10:15:11 6 Q. And you mentioned that the general
10:15:13 7 services department was your job -- or excuse
10:15:16 8 me , let me back up . The general services
10:15:19 9 department was generally to collect and dispose
10:15:21 10 of the trash ?

10:15:22 11 A. Trash , clean office s , whatever the
10:15:26 12 duties was that day .

10:15:27 13 Q. And that's what you did your whole
10:15:29 14 time there ?

10:15:30 15 A. Right . Vacation relief and stuff ,
10:15:34 16 you know , somebody goes on vacation , you take
10:15:37 17 their spot for the week .

10:15:38 18 Q. And if you took that person 's spot
10:15:41 19 for a week , was that person always in general
10:15:44 20 service or could have been --

10:15:46 21 A. Right .

10:15:47 22 Q. -- anywhere in the plant ?

10:15:51 23 A. Always in general service .

10:15:58 24 Q. So part of your job then was to
10:16:01 25 collect the trash from the various parts of the

10:16:03 1 plant ?

10:16:04 2 A. Right .

10:16:04 3 Q. And where did it go when it left
10:16:07 4 the plant ?

10:16:07 5 A. To the big blue compact dumpster
10:16:10 6 in the back on the dock .

10:16:11 7 Q. In a compactor ?

10:16:14 8 A. Yes .

10:16:14 9 Q. Did it actually compact the trash
10:16:15 10 in the dumpster itself ?

10:16:17 11 A. Right .

10:16:17 12 Q. And what happened to the trash
10:16:19 13 after that , like how did it leave the plant ?

10:16:22 14 A. With a truck coming up and hooking
10:16:25 15 onto the dumpster and it went out.

10:16:28 16 Q. And like what kind of truck was
10:16:30 17 it?

10:16:31 18 A. I don't know what kind of truck .

10:16:33 19 Q. Like how big was it?

10:16:36 20 A. About like a small semi .

10:16:44 21 Q. And where did the trash go after
10:16:47 22 that , like where did the truck take it?

10:16:49 23 A. I can't answer that. I don't
10:16:51 24 know .

10:16:53 25 Q. Did you ever go with one of these

10:16:55 1 trash trucks to see where the trash went ?

10:16:59 2 A. One time .

10:16:59 3 Q. One time ? Okay . And did you go

10:17:04 4 to -- with the truck to where the trash was

10:17:07 5 actual dumped ?

10:17:08 6 A. Right .

10:17:08 7 Q. And where was that ?

10:17:11 8 A. I don't know .

10:17:26 9 MR. ROMINE: What I'm going to do is

10:17:27 10 ask the court reporter to mark this as Exhibit 1 .

11 (Thereupon, Plaintiffs' Exhibit 1, a
12 blowup of an aerial photo, was marked for purposes
10:17:59 13 of identification.)

10:17:59 14 Q. What I'm going to show you ,

10:18:01 15 Mr. Younker , is a big blowup of an aerial photo

10:18:06 16 and if I could just to kind of orient you , this

10:18:11 17 is like a little slice of Dayton right here and

10:18:14 18 this is the river and this is Moraine over here

10:18:18 19 (indicating) .

10:18:19 20 A. Right .

10:18:20 21 MR. ROMINE: I'll let -- just for the

10:18:22 22 record I see some lawyers coming over and looking

10:18:25 23 at the aerial photograph so I'll let them come

10:18:28 24 over and take a look at it so everybody knows what

10:18:31 25 I'm talking about . And I have this exhibit in an

10:18:34 1 eight and a half by eleven which I'm going to give
10:18:38 2 to everybody and also we can give it to whoever is
10:18:42 3 on the call .

10:19:08 4 Q. So, Mr. Younker , before I ask you
10:19:11 5 questions about this little picture right here
10:19:13 6 or actually the big picture , you have lived in
10:19:17 7 Dayton then since about 1966?

10:19:20 8 A. Yes , I lived in Dayton .

10:19:22 9 Q. So the question I want to ask you
10:19:28 10 about this picture is when you followed that
10:19:30 11 truck that one day , did you take the truck to
10:19:34 12 someplace that's pictured on this big picture
10:19:37 13 right here ?

10:19:38 14 MR. HARBECK: Object to form .

10:19:40 15 MR. MOSS: Object to the form .

10:19:42 16 MR. HARBECK: It's leading .

10:19:44 17 MR. MOSS: Same objection . Go ahead .

10:19:48 18 THE WITNESS: From the right over
10:19:49 19 here , across from the trailer park .

10:19:51 20 Q. What I'm going to do is I'm going
10:19:54 21 to give you a red pen and ask you to put --
10:20:02 22 doesn't have to be exact or a work of art . I'm
10:20:06 23 going to ask you to put an X where the truck
10:20:10 24 would --

10:20:10 25 A. Approximately ?

10:20:11 1 Q. Approximately is fine .

10:20:12 2 A. Approximately right in here

10:20:13 3 (indicating) .

10:20:18 4 MR. ROMINE: Let the record reflect
10:20:19 5 that the witness marked near a five-sided figure
10:20:26 6 on the Exhibit 1 with the numbers 4610 in it.

10:20:39 7 Q. I'm going to ask you a couple more
10:20:41 8 questions . That's a street here, an
10:20:43 9 intersection here . Do you know what was here
10:20:45 10 on the corner right here of the intersection
10:20:48 11 (indicating)?

10:20:48 12 A. No .

10:20:48 13 Q. How about over here (indicating) ?

10:20:50 14 A. No .

10:20:50 15 Q. As near as you can remember then ,
10:20:53 16 where that -- the truck went that one day right
10:20:59 17 here where you marked with the pink or the red
10:21:01 18 marker ?

10:21:02 19 A. Right .

10:21:11 20 Q. I'm just going to put that back a
10:21:13 21 little bit . I may come back to it but I'm
10:21:17 22 going to leave it here in case some of the
10:21:19 23 other lawyers want to ask about it. And so
10:21:29 24 this truck , it had trash from the Dayton Tire &
10:21:34 25 Rubber plant in it?

1 A. Yes.

10:21:36 2 Q. And what happened when you got to
10:21:38 3 the dump ?

10:21:40 4 A. It went in and he went back in
10:21:44 5 there a little ways and he got out and unhooked
10:21:49 6 the back .

10:21:50 7 Q. He dumped it?

10:21:52 8 A. Dumpster , yeah .

10:21:53 9 Q. He dumped the trash there ?

10:21:55 10 A. Right .

10:21:55 11 Q. And when you say he , that's the
10:21:58 12 drive r?

13 A. Yes.

10:21:59 14 Q. And like how did you get back, did
10:22:02 15 you go back to the DT&R plant with the driver ?

10:22:06 16 A. Yes.

10:22:07 17 Q. So you worked there from about
10:22:09 18 1966 to about 1980 ?

10:22:11 19 A. Yes .

10:22:12 20 Q. And when was this that you went
10:22:14 21 with the driver to the dump ?

10:22:16 22 A. Early '70 .

10:22:30 23 Q. Do you remember what was in the
10:22:34 24 trash dump that was dumped that day ?

10:22:37 25 A. No .

10:22:49 1 Q. Do you remember the color of the
10:22:51 2 cab of the truck that you were in?

10:22:54 3 A. Red .

10:22:56 4 Q. Do you remember if it had any like
10:22:58 5 writing or logo on the cab?

6 A. IWD .

10:23:30 7 MR. ROMINE: Please mark that Exhibit
10:23:32 8 2 .

9 (Thereupon, Plaintiffs' Exhibit 2,
10 color copy of a photo, was marked for purposes of
11 identification.)

10:23:33 12 MR. ROMINE: I'm marking another
10:23:34 13 exhibit here which we will certainly make
10:23:38 14 available to the participants in the conference
10:23:42 15 call .

10:23:47 16 Q. I'm showing you what I'm going to
10:23:50 17 mark as Exhibit 2 or what the court reporter
10:23:53 18 has already marked as Exhibit 2 . Does that
10:23:55 19 look like the truck that you went with that
10:23:58 20 day ?

10:23:59 21 MR. HARBECK: Object to the form .

10:24:01 22 MR. MOSS: Same objection .

10:24:04 23 Q. Go ahead .

10:24:04 24 A. No .

10:24:05 25 Q. What was different ?

10:24:07 1 A. Well, instead of the dumpster on
10:24:12 2 the back of it here, it was enclosed.

10:24:15 3 Q. So the truck that you went with
10:24:17 4 that day had like an enclosed place for the
10:24:20 5 trash?

10:24:20 6 A. Yes.

10:24:21 7 Q. How about the cab, was the cab
10:24:22 8 similar?

10:24:23 9 A. Yes, close.

10:24:27 10 Q. Anything else you can remember
10:24:29 11 about the truck that you rode with that day?

10:24:34 12 A. Nope.

10:24:37 13 Q. Okay. That's fine. You doing
10:24:44 14 okay? You want to take a break?

10:24:46 15 A. No, I'm fine.

10:24:49 16 Q. Mr. Younker, I've asked you a
10:24:50 17 couple questions about taking trash to the dump
10:24:55 18 on a particular day and now I want to step back
10:24:58 19 and talk more generally about your job duties.

10:25:03 20 So let's take a typical day that you went to
10:25:06 21 work, like what would you do on a typical day?

10:25:10 22 A. Well, all depends on what day. If
10:25:13 23 I'm vacation relief I get on the mule and I go
10:25:17 24 around and I dump all the dumpsters throughout
10:25:21 25 the plant to dump, take them out, dump them in

10:25:26 1 here in the dumpster .

10:25:28 2 Q. What's a mule ?

10:25:29 3 A. That is a little tractor , a little
10:25:32 4 four-wheel tractor that you hook onto the
10:25:36 5 dumpsters and pull them out .

10:25:37 6 Q. So you -- and correct me if I'm
10:25:39 7 wrong , but what I'm gathering from what you're
10:25:42 8 saying is you took the smaller containers of
10:25:44 9 trash and you put them in the bigger container
10:25:47 10 of trash ?

10:25:47 11 A. Correct .

10:25:48 12 Q. How big were the smaller
10:25:50 13 containers of trash ?

10:25:52 14 A. I don't know . Three foot wide by
10:25:55 15 six , seven foot long .

10:25:57 16 Q. And what was in them ?

10:26:01 17 A. Paper bags , broke skids , cement
10:26:08 18 dust , lamp black . It's what they put in the
10:26:13 19 rubber to make it black . Coke stone , cement
10:26:22 20 dust -- did I say that ?

10:26:24 21 Q. Yes . Just so the court reporter
10:26:26 22 got it down correctly , you said lamp black ?

10:26:32 23 A. Yeah , lamp black is a substance
10:26:34 24 they put in the tire mixture .

10:26:37 25 Q. Can you think of anything else

10:26:39 1 that went in the trash ?

10:26:42 2 A. Probably grease . It all depends
10:26:45 3 on what was in there because I didn't dig
10:26:48 4 through it .

10:26:48 5 Q. I understand . But there was
10:26:50 6 grease and stuff in the manufacturing process ?

10:26:53 7 A. From the Banbury .

8 Q. From the Banbury ?

10:26:57 9 A. That's where you old boiled grease
10:26:58 10 and stuff , similar off the bearing.

10:27:02 11 Q. What is a Banbury ?

10:27:04 12 A. That's where they mix all your
10:27:07 13 substance s together to make a tire .

10:27:12 14 Q. And you're saying the grease would
10:27:15 15 come from the Banbury ?

10:27:17 16 A. Yeah, it would come from the
10:27:20 17 bearings and stuff where they kept rotating ,
10:27:23 18 you know , to mix the stuff up .

10:27:25 19 Q. How big was the Banbury ?

10:27:32 20 A. Six machines , so quite long
10:27:37 21 because you put stuff in here and then it
10:27:39 22 worked its way down to the bottom .

10:27:41 23 Q. Was it like bigger than this room ?

10:27:44 24 A. Oh , yeah .

10:27:45 25 Q. Was it like taller than this room ?

10:27:47 1 A. Oh, yeah, two stories high.

10:27:49 2 Q. And again, correct me if I'm

10:27:51 3 wrong. They put the stuff in the top?

10:27:54 4 A. Top.

10:27:54 5 Q. And then it would mix in the

10:27:56 6 middle?

10:27:56 7 A. Mix and come down.

10:27:57 8 Q. And come out the bottom somehow?

10:28:00 9 A. Right.

10:28:04 10 Q. When you collect -- would you go

10:28:06 11 around on the mule and collect the trash from

10:28:09 12 every part of the plant?

10:28:12 13 A. Everything but where they trim the

10:28:15 14 tires. I didn't go over there.

10:28:16 15 Q. Why?

10:28:18 16 A. They had another driver go over

10:28:20 17 there.

10:28:21 18 Q. Was that other driver, did he work

10:28:23 19 for general services?

10:28:25 20 A. Right.

10:28:25 21 Q. And when you say they trim the

10:28:28 22 tire, was that like in the final part of the

10:28:31 23 tire making process?

10:28:33 24 A. That's after the tire was made and

10:28:36 25 cured, and they go up on a big rack and they

10:28:40 1 had blades that run around the tire and it
10:28:43 2 spins .

10:28:43 3 Q. And that was the tire finishing ?

10:28:45 4 A. Right .

10:28:47 5 Q. Would you sometimes fill in for
10:28:49 6 this guy if he was on vacation ?

10:28:51 7 A. Right . If he was on vacation and
10:28:53 8 I'm on vacation relief , right .

10:28:59 9 Q. Was there any period of time --
10:29:02 10 did you do vacation relief more during the
10:29:05 11 earlier part of your job or later part of your
10:29:08 12 job or not really either one ?

10:29:10 13 A. Later part .

10:29:11 14 Q. More vacation --

15 A. After I was there a couple years
10:29:15 16 because I had to learn other jobs before I
10:29:17 17 could do them .

10:29:19 18 Q. So you learned the other jobs and
10:29:21 19 that enabled you to do vacation relief better ?

10:29:25 20 A. Right .

10:29:31 21 Q. So we talked a little bit about
10:29:33 22 these smaller containers . I think you said
10:29:36 23 they were about three feet by six feet ?

10:29:40 24 A. It was three foot wide by six or
10:29:42 25 seven foot long .

10:29:43 1 MR. ROMINE: Pardon me for just a
10:29:45 2 minute . Did someone just join the call ?

10:29:51 3 MR. VAN KLEY: Yes , this is Jack Van
10:29:53 4 Kley representing Cargill and others , I have
10:29:56 5 joined the call and Mr. Walker has just dropped
10:29:59 6 off .

10:30:00 7 Q. All right . Sorry about that . So
10:30:02 8 where did the smaller containers go , like where
10:30:05 9 did the trash from that --

10:30:07 10 A. In the blue dumpster out on the
10:30:10 11 dock .

10:30:10 12 Q. Was that outside or inside ?

10:30:12 13 A. Outside .

10:30:13 14 Q. Was there only the one big blue
10:30:15 15 dumpster ?

10:30:16 16 A. Two of them .

10:30:17 17 Q. Were they right next to each
10:30:19 18 other ?

10:30:19 19 A. No , that one was out in back for
10:30:22 20 one side of the plant and the other one was in
10:30:24 21 final inspection on the other side of the
10:30:27 22 plant.

10:30:27 23 Q. It sounds like , but again correct
10:30:29 24 me if I'm wrong , you would go to the one that
10:30:32 25 wasn't closer to final inspection more often ?

10:30:34 1 A. Right. I would run the Banbury
10:30:38 2 down through there , curing .

10:30:40 3 Q. What is curing ?

10:30:42 4 A. That's where they put the uncured
10:30:45 5 rubber into a press and it cures for a half
10:30:48 6 hour or so and makes a tire and the tire pops
10:30:54 7 out .

10:30:54 8 Q. This is after the Banbury ?

10:30:58 9 A. Oh , yeah , well after .

10:30:59 10 Q. So the Banbury, it sounds like is
10:31:01 11 closer to the beginning of the process where
10:31:03 12 they put all the stuff in?

10:31:05 13 A. I would say , yes .

10:31:06 14 Q. Was there a part of the plant that
10:31:08 15 was a manufacturing process that came before
10:31:11 16 the Banbury ?

10:31:17 17 A. I don't know . I can't --

10:31:19 18 Q. Okay . That's fair enough . What
10:31:22 19 kind of trash was generated in the curing part
10:31:25 20 of it?

10:31:29 21 A. Trash ?

10:31:30 22 Q. Yeah . Was there any trash that
10:31:32 23 came from the curing process ?

10:31:35 24 A. Just the lamp black stuff that was
10:31:38 25 fill , you know , and like I said , broke skids ,

10:31:43 1 you know , piece s of that that go in the
10:31:47 2 dumpster .

10:31:54 3 Q. How often did a truck come to
10:31:56 4 collect that trash from that one dumpster that
10:32:00 5 you're more familiar with ?

10:32:02 6 A. The big blue dumpster ?

10:32:04 7 Q. Yes.

10:32:05 8 A. I don't know . He called them
10:32:08 9 maybe every couple days .

10:32:10 10 Q. Ed? Who called them ?

10:32:13 11 A. Whoever is in receiving .

10:32:17 12 Q. And do you know the name of the
10:32:19 13 person who would -- who did call them ?

10:32:22 14 A. No .

10:32:22 15 Q. Maybe every couple days ?

10:32:24 16 A. Right .

10:32:24 17 Q. And how about the other dumpster,
10:32:26 18 the one that was closer to the finishing ?

10:32:29 19 A. I don't know . I don't know
10:32:30 20 nothing about that one .

10:32:32 21 Q. And did you ever see the trucks
10:32:34 22 come to pick up the trash from the dumpster
10:32:38 23 that you're more familiar with ?

10:32:39 24 A. Yes .

10:32:39 25 Q. And what did they look like ?

10:32:43 1 A. That right there (indicating) .

10:32:45 2 Q. About the same as the one that's
10:32:47 3 in Exhibit 2 ?

10:32:48 4 A. Yeah , that red truck .

10:32:50 5 Q. Did Dayton Tire & Rubber have its
10:32:53 6 own trucks that would come and take that trash
10:32:55 7 and --

10:32:57 8 A. No .

10:33:11 9 Q. A little bit earlier I asked you
10:33:14 10 about general services and I think you said
10:33:19 11 that the general services did a couple things .
10:33:21 12 One was take out the trash and the other was
10:33:24 13 cleaning . And we've talked a little so far
10:33:27 14 about taking out the trash and I want to talk
10:33:29 15 about cleaning now . Did you do cleaning as
10:33:31 16 part of your job ?

10:33:32 17 A. Very little .

10:33:34 18 Q. Was that someone else 's job ?

10:33:36 19 A. Yes .

10:33:37 20 Q. Was that general services ?

10:33:39 21 A. Yes .

10:33:41 22 Q. Do you remember any of the names
10:33:43 23 of the guys who did the cleaning ?

10:33:45 24 A. No . All I remember , he was deaf
10:33:48 25 and dumb .

10:33:48 1 Q. He was deaf and dumb ?

10:33:50 2 A. Yeah .

10:33:53 3 Q. And so like what did they do ?

10:33:57 4 A. Cleaned the windows in the office ,
10:34:00 5 shined the floors , dumped the trash out of the
10:34:04 6 smaller trash containers .

10:34:06 7 Q. Did they work on the plant floor ?

10:34:09 8 A. He didn't , no . The one guy
10:34:11 9 didn't .

10:34:12 10 Q. Was there someone from general
10:34:14 11 services who cleaned the plant floors ?

10:34:18 12 A. Whoever the boss sends out to
10:34:20 13 clean them , you know .

10:34:21 14 Q. So there was somebody who did
10:34:23 15 that ?

10:34:23 16 A. Yeah . You had a man that run the
10:34:27 17 sweeper , you had a man that dumped the trash
10:34:30 18 and you had a man that scrubbed the floors with
10:34:32 19 the scrub ber. I mean, there was just all kind
10:34:35 20 of people .

10:34:36 21 Q. Different people for different
10:34:38 22 jobs ?

10:34:38 23 A. Right .

10:34:40 24 Q. And so let's take the guy that ran
10:34:43 25 the sweeper . Would the guy who ran the

10:34:47 1 sweeper , was there like a bag or something for
10:34:50 2 the dust and the dirt that he collected ?

10:34:52 3 A. Right , on the sweeper itself .

10:34:53 4 Q. Where would that go?

10:34:55 5 A. Out in back to a different
10:34:57 6 dumpster , open bed dumpster .

10:34:59 7 Q. It was different from the one that
10:35:01 8 you usually dumped into ?

10:35:03 9 A. Right .

10:35:03 10 Q. Did you ever see a truck come and
10:35:05 11 collect from that particular dumpster ?

10:35:07 12 A. Yeah , just hooked on the side of
10:35:11 13 it and picked it up and set it in the back of
10:35:13 14 the truck .

10:35:13 15 Q. And what did that truck look like ?

10:35:15 16 A. That there (indicating), but it
10:35:17 17 just had a big bar on the back where it picked
10:35:21 18 up the dumpster itself . Had four chains .

10:35:25 19 Q. Was it similar to the one you're
10:35:27 20 pointing at in Exhibit 2 ?

10:35:30 21 A. Similar except for the back end
10:35:32 22 was different .

10:35:34 23 Q. Except for the back end was
10:35:36 24 different ?

10:35:36 25 A. Right . Because this dumpster here

10:35:43 1 is more or less the wood dumpster where they
10:35:46 2 put broken skids and wood and whatever .

10:35:48 3 Q. You're referring now to Exhibit 2 ?

10:35:50 4 A. Right .

10:36:03 5 Q. Mr. Younker, you had told me about
10:36:25 6 two big dumpsters and then a smaller dumpster
10:36:29 7 and the smaller dumpster was where kind of like
10:36:34 8 the sweepings went into . Am I saying that
10:36:38 9 right ?

10:36:39 10 A. The smaller dumpsters was placed
10:36:41 11 throughout the plant , different areas , probably
10:36:44 12 fifty of them , and that's the ones I hooked
10:36:47 13 onto to pull out .

10:36:47 14 Q. And you dumped those into the big
10:36:50 15 dumpster ?

10:36:51 16 A. The big dumpster, the compactors
10:36:53 17 they called them .

10:36:54 18 Q. The compactors, and they would
10:36:56 19 actually compact the trash ?

10:36:59 20 A. Push it back into .

10:37:00 21 Q. And you saw that happen ?

10:37:01 22 A. Yes .

10:37:01 23 Q. Did you do that ?

10:37:02 24 A. Yes .

10:37:03 25 Q. You pulled the switch or whatever

10:37:04 1 it was ?

10:37:05 2 A. Pushed the button .

10:37:07 3 Q. And that would compact the trash ?

10:37:11 4 A. Push it up into the dumpster .

10:37:14 5 Q. Were there other dumpsters that

10:37:16 6 were like outside the plant that a trash truck

10:37:19 7 would come and pick up? I'm not talking about

10:37:22 8 the ones inside that you collected , but outside

10:37:25 9 other than those two big dumpsters ?

10:37:28 10 A. Right , you had the wood dumpster

10:37:29 11 and you had the grease and oil dumpster and

10:37:33 12 then you had the blue compact dumpster .

10:37:36 13 Q. So if I'm remembering correctly

10:37:38 14 then , the stuff you put in the trash went

10:37:42 15 mainly to the big blue compactor ?

10:37:45 16 A. Right .

10:37:47 17 Q. Okay . And so the -- let me go

10:37:51 18 through this then . So there was like a wood

10:37:54 19 dumpster ?

10:37:55 20 A. No . It's a metal dumpster but

10:37:58 21 that's the one the wood went into .

10:38:00 22 Q. All right . So the one that the

10:38:03 23 wood went into , was that also picked up by

10:38:05 24 someone from outside ?

10:38:07 25 A. Right .

10:38:07 1 Q. And did you ever see the trucks
10:38:10 2 pick that up?

10:38:13 3 A. Yes, sir .

10:38:15 4 Q. And what were those trucks , what
10:38:17 5 did they look like ?

10:38:18 6 A. That one right there (indicating) .

10:38:19 7 Q. The same as in Exhibit 2?

10:38:22 8 A. Yes .

10:38:23 9 Q. Did you ever hear the term grease
10:38:25 10 skip ?

10:38:25 11 A. Yes .

10:38:25 12 Q. Is that what you were referring to
10:38:27 13 when you were talking about the grease ?

10:38:29 14 A. Right .

10:38:30 15 Q. So that was liquid ?

16 A. Yes.

10:38:32 17 Q. Was that also picked up by
10:38:35 18 somebody from the outside ?

10:38:36 19 A. Yes .

10:38:36 20 Q. Did you ever see those trucks
10:38:38 21 come ?

10:38:38 22 A. Oh, yes .

10:38:39 23 Q. What do those look like ?

10:38:40 24 A. The same as that but the back end
10:38:43 25 what different . They had four chains they

10:38:46 1 hooked onto . They had eye hooks on the
10:38:48 2 dumpsters and the chains they hooked it on and
10:38:51 3 raised it up and sat it down on a flat bed -- I
10:38:55 4 don't know , I guess they called it flat bed .

10:38:58 5 Q. So let me break this down a little
10:39:01 6 bit . Other than -- earlier this morning you
10:39:04 7 told me about going to the dump that one day ?

10:39:08 8 A. Right .

10:39:08 9 Q. Now , just concentrating on the big
10:39:11 10 blue dumpster , compactor that you were most
10:39:15 11 familiar with , do you know where the trash from
10:39:19 12 that big blue compactor went at any time other
10:39:25 13 than that one you went to the dump ?

10:39:28 14 A. No .

10:39:28 15 Q. How about the metal dumpster with
10:39:31 16 wood inside it , do you know where --

10:39:33 17 A. No .

10:39:33 18 Q. -- that went at all ?

10:39:35 19 A. No .

10:39:35 20 Q. How about the grease that we just
10:39:37 21 talked about , do you know where that went at
10:39:40 22 all ?

10:39:40 23 A. No .

10:39:45 24 MR. ROMINE: I'm just going to take a
10:39:47 25 men's room break , if that's okay . Back in about

10:39:52 1 five minutes .

10:39:54 2 (Recess held.)

10:46:34 3 MR. ROMINE: Back on the record .

10:46:35 4 Q. Mr. Younker, I'm going to ask you
10:46:40 5 some follow- up questions about what we just
10:46:42 6 talked about and then the other lawyers are
10:46:44 7 going to have an opportunity to ask you some
10:46:46 8 questions too . A little bit earlier you told
10:46:51 9 me about going to the dump with the trash from
10:46:54 10 DTR . Why did you go that day?

10:46:57 11 A. Just to go .

10:46:58 12 Q. Did the boss tell you to go?

10:47:01 13 A. No , the boss wasn't there .

10:47:06 14 Q. Did anybody else from the general
10:47:08 15 services department go to the dump that day?

10:47:12 16 A. No .

10:47:12 17 Q. It was just you ?

10:47:13 18 A. Right .

10:47:15 19 Q. And do you know the drive r's name ?

10:47:19 20 A. No .

10:47:22 21 Q. Tell me a little bit about the
10:47:25 22 trip . Was there an extra seat in the cab for
10:47:28 23 you ?

10:47:29 24 A. No .

10:47:29 25 Q. You stood up basic ally ?

10:47:31 1 A. No .

10:47:32 2 Q. How did you ride ?

10:47:35 3 A. Milk carton .

10:47:36 4 Q. Sat inside on a milk cart ?

10:47:40 5 A. Yes .

10:47:40 6 Q. Both ways ?

10:47:41 7 A. Yeah .

10:47:41 8 Q. And the driver had no problem

10:47:45 9 taking you and bringing you back ?

10:47:47 10 A. Well, he did, but as long as you

10:47:49 11 didn't get caught .

10:47:51 12 Q. And you didn't get caught ?

10:47:53 13 A. No .

10:47:58 14 Q. Who was your boss at that time ?

10:48:02 15 A. Ralph Ball.

10:48:05 16 Q. Ralph Ball?

10:48:05 17 A. Uh-huh .

10:48:05 18 Q. Was he your boss the entire time

10:48:08 19 you worked there ?

10:48:12 20 A. No. Giles England was the first .

10:48:18 21 Q. Jiles ?

10:48:19 22 A. Giles England . He was the boss

10:48:23 23 there in about '71 maybe and then Ralph Ball

10:48:28 24 took over .

10:48:29 25 Q. And then Ralph Ball was your boss

10:48:32 1 until 1980 ?

10:48:33 2 A. Until they shut her down .

10:48:35 3 Q. And I think you told me a little

10:48:39 4 bit earlier about a guy who worked in the tire

10:48:44 5 trim and operation , the guy in central services

10:48:48 6 who cleaned up from the tire trimming

10:48:51 7 operation . Do you remember his name ?

10:48:53 8 A. No .

10:48:55 9 Q. Can you remember the names of any

10:48:57 10 other guys that worked or women that worked in

10:49:00 11 the plant , either general services or not , just

10:49:04 12 anywhere in the plant ?

10:49:09 13 A. Ron Rollins , he was general

10:49:11 14 service . Dave Boeman , Richard Ramsey . They

10:49:17 15 was all general service .

10:49:21 16 Q. Anybody else ?

10:49:27 17 A. Joe Clark , Joe Hutchison .

10:49:37 18 Q. Did those guys work in general

10:49:39 19 services too ?

10:49:39 20 A. Right , all of them .

10:49:44 21 Q. Can you think of any other names ?

10:49:46 22 A. No .

10:49:57 23 Q. Do you remember the guy who hired

10:49:59 24 you ?

10:50:02 25 A. Giles England .

10:50:04 1 Q. Giles England ?

10:50:06 2 A. Yes .

10:50:09 3 Q. Were there times when other people
10:50:13 4 from general services went with the trash
10:50:18 5 trucks --

10:50:19 6 A. No .

10:50:19 7 Q. -- to wherever ?

10:50:21 8 A. No , not to my knowledge .

10:50:22 9 Q. I understand . How about anybody
10:50:25 10 from the plant at all , even if they didn't work
10:50:27 11 for general services , do you know anybody going
10:50:31 12 with the trash trucks then ?

10:50:32 13 A. Not to my knowledge .

10:50:35 14 Q. Did you ever hear anyone talk
10:50:38 15 about like a contract to take out the trash,
10:50:42 16 like who the company was that was going to take
10:50:44 17 out the trash , that kind of thing ?

10:50:46 18 A. No .

10:50:50 19 Q. Mr. Younker , this is only if you
10:50:56 20 feel comfortable doing it , but you had
10:50:59 21 mentioned that there were two big dumpsters at
10:51:02 22 the plant .

10:51:03 23 A. Right .

10:51:03 24 Q. And I was wondering if you could ,
10:51:05 25 if you feel comfortable , draw me a picture just

10:51:09 1 like an outline of the plant and where those
10:51:12 2 two dumpsters were .

10:51:12 3 A. Yeah , no problem .

10:51:17 4 MR. MOSS: That's fine , but I don't
10:51:19 5 want you to guess at anything .

10:51:22 6 THE WITNESS: No . There was only two
10:51:25 7 dumpsters there . You just want the big blue
10:51:29 8 dumpster , correct ?

10:51:31 9 Q. Right .

10:51:32 10 A. There's your dock , one dumpster
10:51:38 11 here . That's the one . That's when you first
10:51:43 12 come in the plant and back to receiving they
10:51:49 13 had a dock that goes around and big blue
10:51:57 14 dumpster right here (indicating) .

10:52:00 15 Q. Okay . Can you put an X in where
10:52:03 16 the dumpsters are , or a D? Doesn't matter . Is
10:52:08 17 this a dumpster right here (indicating) ?

10:52:10 18 A. Yes . What do you want me to put ?

10:52:13 19 Q. Just an X is fine .

10:52:17 20 A. (Indicating.)

10:52:17 21 Q. That's good . And this one too .

10:52:21 22 A. (Indicating.)

10:52:22 23 Q. Okay , so you put a D and an X .

10:52:27 24 That's good . And this was the one that was in
10:52:29 25 back . That's the one you usually worked with ?

10:52:33 1 A. No, this one here is the back dock
10:52:36 2 and that's the one where we come out of the
10:52:39 3 plant and then dump other material in.

10:52:41 4 Q. And you wrote BD there for back
10:52:46 5 dock ?

10:52:46 6 A. Yes.

10:52:47 7 Q. And that's the one that you
10:52:48 8 usually worked with ?

10:52:50 9 A. Yes . Had a compactor right here .

10:52:54 10 Q. And you had mentioned before there
10:52:57 11 was like a dumpster that the wood was in. Was
10:53:06 12 that closer to this one or this one
10:53:08 13 (indicating) ?

10:53:08 14 A. This one (indicating) .

10:53:09 15 Q. Closer to the back dock ?

10:53:11 16 A. Yeah , off to the side here .

10:53:13 17 Q. So you're marking now with -- WD
10:53:20 18 for wood ?

10:53:22 19 A. Yeah .

10:53:22 20 Q. Great . How about the grease ?

10:53:25 21 A. It was right here . As you come
10:53:30 22 around the dock, it was right here
10:53:34 23 (indicating).

10:53:34 24 Q. So you marked that with a G.
10:53:36 25 Perfect .

10:53:37 1 A. Had wood and the oil and you had
10:53:40 2 the big container over here on the dock .

10:53:43 3 MR. ROMINE: So we're going to mark
10:53:45 4 that as Exhibit 3.

5 (Thereupon, Plaintiffs' Exhibit 3, a
6 sketch made by the witness, was marked for
7 purposes of identification.)

10:54:43 8 Q. And a little earlier you had
10:54:45 9 talked about picking up smaller containers of
10:54:48 10 trash from the plant and putting them in the
10:54:50 11 big blue dumpster ?

10:54:53 12 A. Right .

10:54:53 13 Q. What color were the smaller
10:54:55 14 containers ?

10:54:56 15 A. Gray .

10:54:56 16 Q. And they were all gray ?

10:54:59 17 A. Most of them were gray .

10:55:02 18 Q. So there were some that might have
10:55:04 19 been other colors ?

10:55:05 20 A. I don't know . I'm just --

10:55:06 21 Q. That's fine . What were they made
10:55:08 22 out of ?

10:55:09 23 A. Metal .

10:55:09 24 Q. Metal ? Okay .

10:55:14 25 MR. ROMINE: Can we go off the record

10:55:15 1 for a minute?

10:56:28 2 (Thereupon, an off-the-record
10:56:29 3 discussion was had.)

10:56:29 4 Q. Can you see this smaller drawing
10:56:32 5 okay ?

10:56:35 6 A. I don't know . Yeah, there's the
10:56:40 7 trailers (indicating) .

10:56:45 8 Q. When you say there's the trailers ,
10:56:47 9 what's that , the trailer park ?

10:56:49 10 A. That's the trailer park .

10:56:50 11 MR. ROMINE: Let's mark this Exhibit
12 4.

13 (Thereupon, Plaintiffs' Exhibit 4, a
14 smaller depiction of Exhibit 1, was marked for
10:57:08 15 purposes of identification.)

10:57:08 16 Q. Now , again , just to orient you ,
10:57:11 17 this is a little slice of Dayton here , this is
10:57:13 18 Moraine over here . Earlier you had marked
10:57:17 19 Exhibit 1 is to where you went with the truck
10:57:20 20 and dumped that day ?

10:57:22 21 A. Where we went in ?

10:57:25 22 Q. Yeah , where you went in .

10:57:28 23 A. This general area here
10:57:33 24 (indicating) .

10:57:33 25 Q. So , again , for the record , he's

10:57:37 1 marking close to that same box that was 4610 --

10:57:45 2 A. I don't know if that's the exact
10:57:48 3 spot , but it's in this vicinity right here
10:57:51 4 (indicating).

10:57:51 5 Q. Approximate ?

10:57:51 6 A. Right .

10:57:52 7 Q. Got you . Just to be on the safe
10:58:04 8 side since I have had some trouble with
10:58:06 9 contrast today , let's do it with red also .

10:58:11 10 A. (Indicating.)

10:58:12 11 Q. Okay , great . Thank you . Okay .
10:58:24 12 Again , just so we're clear , earlier you had
10:58:29 13 told me that you followed a truck one day from
10:58:35 14 the plant and on Exhibit 1 -- you didn't
10:58:39 15 follow , you were in the truck ?

10:58:40 16 A. Right .

10:58:41 17 Q. Excuse me . You were in the truck
10:58:43 18 one day and you came from the plant and the
10:58:46 19 truck dumped the trash and you showed me on
10:58:48 20 Exhibit 1 which is the big blowup where that
10:58:51 21 was .

22 A. Right.

10:58:52 23 Q. And now on Exhibit 4 which is a
10:58:54 24 smaller one , you're showing me the same thing ?

10:58:56 25 A. Right .

10:58:57 1 MR. ROMINE: Okay . I pass the
10:58:58 2 witness . I'm done for the time being . I might
10:59:03 3 come back but we're going to let the other lawyers
10:59:07 4 have their turn .

10:59:09 5 MR. MOSS: Anybody else have
10:59:11 6 questions ? I'm going to have a few .

10:59:13 7 MR. THUMANN: No questions .

10:59:16 8 MR. MOSS: Does anyone on the phone
10:59:17 9 have any questions ? This is Dave Moss . I'm going
10:59:20 10 to have a few .

10:59:27 11 UNIDENTIFIED SPEAKER: No .

12 CROSS-EXAMINATION

10:59:27 13 BY MR. MOSS:

10:59:27 14 Q. Mr. Younker , are you okay to
10:59:30 15 continue ? I just have a few questions for you .

10:59:32 16 A. Okay .

10:59:33 17 Q. Prior to your testimony today you
10:59:35 18 were contacted by a gentleman by the name of
10:59:39 19 Bill Walsh ; is that correct ?

10:59:40 20 A. Yes .

10:59:40 21 Q. And did Mr. Walsh identify himself
10:59:43 22 as being an investigator on behalf of the
10:59:46 23 plaintiffs in the case ?

10:59:47 24 A. Yes , he did .

10:59:50 25 Q. And you have spoken to Mr. Walsh

10:59:53 1 about three times on the telephone ; is that
10:59:56 2 correct ?

10:59:56 3 A. Yes, sir .

10:59:57 4 Q. And did Mr. Walsh also come to
11:00:00 5 visit you here in Dayton ?

11:00:02 6 A. Yes .

11:00:02 7 Q. How many times has he been to
11:00:06 8 Dayton ?

11:00:07 9 A. Twice .

11:00:07 10 Q. Tell me about the first time he
11:00:09 11 came to Dayton , what did he do?

11:00:11 12 A. Sat in the kitchen and talked
11:00:13 13 about the dumpsite and how it got out there and
11:00:18 14 what all was put into the dumpster .

11:00:22 15 Q. And this was information that he
11:00:24 16 was providing to you?

11:00:25 17 A. No, he was asking me and I was
11:00:27 18 telling him .

11:00:29 19 Q. Okay . Did he visit you another --
11:00:32 20 did you go anywhere that first time that
11:00:35 21 Mr. Walsh was here ?

11:00:36 22 A. No.

11:00:37 23 Q. And did he come back another time
11:00:39 24 then and visit you ?

11:00:41 25 A. Yes .

11:00:41 1 Q. And when he came back the second
11:00:43 2 time , did he take you out to the dump site ?

11:00:46 3 A. Right , he went up through here and
11:00:48 4 turned around and came back .

11:00:50 5 Q. Prior to going out there , did he
11:00:52 6 ask you if you knew how to get there ?

7 A. Yes.

11:00:55 8 Q. What did you tell him ?

11:00:57 9 A. I said no .

11:00:58 10 Q. You didn't have any idea how to
11:01:01 11 get there ?

11:01:01 12 A. I don't remember . I'm not
11:01:02 13 familiar with that area .

11:01:03 14 Q. And fair to say that if Mr. Walsh
11:01:07 15 hadn't driven you to this area , you wouldn't
11:01:10 16 have known how to get there ?

11:01:12 17 A. Right .

11:01:15 18 MR. ROMINE: Objection to the form .

11:01:17 19 Q. If Mr. Walsh had not driven you
11:01:20 20 there , would you have known how to get to the
11:01:23 21 dump site?

11:01:24 22 A. No .

11:01:25 23 MR. ROMINE: Objection to the form of
11:01:26 24 the question .

11:01:26 25 Q. Did Mr. Walsh show you any

11:01:28 1 photographs ?

11:01:29 2 A. He showed me one .

11:01:30 3 Q. Was it similar to the picture of
11:01:32 4 the truck ?

11:01:33 5 A. That big picture there .

11:01:34 6 Q. Okay , similar to Exhibit 1 , the
11:01:36 7 big layout ?

11:01:37 8 A. Right , but it was smaller like
11:01:39 9 this one (indicating).

11:01:40 10 Q. Like Exhibit 4 ?

11:01:41 11 A. Right .

11:01:42 12 Q. Did he show you pictures of any
11:01:44 13 trucks ?

11:01:44 14 A. One truck .

11:01:45 15 Q. Similar to Exhibit 2?

11:01:48 16 A. Probably the same one maybe .

11:01:51 17 Q. Did he show you any other
11:01:52 18 documents ?

11:01:53 19 A. No .

11:01:56 20 Q. And all this happened before you
11:01:59 21 ever talked to anybody on behalf of Dayton Tire
11:02:02 22 & Rubber ; is that correct ?

11:02:04 23 A. Right .

11:02:05 24 Q. Now , I want to just ask you a
11:02:07 25 little bit about your general duties at Dayton

11:02:12 1 Tire . You said you were in the general
11:02:14 2 services department , correct ?

11:02:15 3 A. Correct .

11:02:18 4 Q. Most of the time when you were
11:02:20 5 working at Dayton Tire during the period of
11:02:23 6 time that you worked there from '66 through
11:02:26 7 1980 , what were your main responsibilities
11:02:30 8 day-to-day ?

11:02:31 9 A. Mowing the yard , trimming the
11:02:32 10 bushes , shoveling snow , dumping the dumpsters .

11:02:38 11 Q. When you were dumping dumpsters
11:02:41 12 though , were you filling in for other people
11:02:44 13 that were on vacation , I think you called it
11:02:46 14 relief ?

11:02:46 15 A. Yeah , vacation relief .

11:02:48 16 Q. So would it be fair to conclude
11:02:53 17 then that throughout your tenure at the plant ,
11:02:56 18 most of the time you were working outside the
11:02:58 19 building , correct ?

11:02:59 20 A. Correct .

11:02:59 21 Q. And it was only when you were
11:03:01 22 filling in for vacation ing fellow employees
11:03:04 23 that you would be in the plant ?

11:03:06 24 A. That or a rainy day .

11:03:08 25 Q. And the only time that you worked

11:03:12 1 at all with these trash containers and taking
11:03:16 2 trash to the dumpsters would be when you were
11:03:20 3 working inside the plant ?

11:03:21 4 A. Right .

11:03:22 5 Q. That was true throughout your
11:03:26 6 period of employment at Dayton Tire , 1966 to
11:03:30 7 1980, correct ?

11:03:31 8 A. Correct .

11:03:33 9 Q. And you didn't have any
11:03:35 10 responsibility at any time during your tenure
11:03:39 11 of employment for arranging for disposal of
11:03:45 12 trash from the plant ?

11:03:48 13 MR. ROMINE: Objection . Leading .

11:03:49 14 THE WITNESS: No .

11:03:50 15 Q. Did you have any of that
11:03:51 16 responsibility ?

11:03:52 17 A. No .

11:03:55 18 Q. Now , you have answered the
11:03:58 19 questions put to you today by Mr. Romine about
11:04:01 20 this one visit that you made when you were
11:04:07 21 riding with the driver .

11:04:08 22 A. Right .

11:04:09 23 Q. And is that the only time you ever
11:04:13 24 rode with a trash disposal truck driver from
11:04:16 25 the Dayton Tire & Rubber plant ?

11:04:18 1 A. Yes . Yes .

11:04:19 2 Q. And anything that you have
11:04:21 3 answered with respect to this particular site
11:04:25 4 as depicted in Exhibits 1 and 4 relates to that
11:04:30 5 single visit that you made on one day sometime
11:04:33 6 in the 1970s ?

11:04:37 7 A. I don't understand what you're
11:04:37 8 saying .

11:04:37 9 Q. That's fair . Anything that you
11:04:40 10 have told us about today relating to this site
11:04:43 11 that's shown in Exhibit 1 and Exhibit 4 is
11:04:48 12 based upon that one trip you took on that one
11:04:50 13 day ?

11:04:51 14 A. Correct .

11:04:55 15 Q. Now , you don't know the names of
11:04:59 16 any of the streets where this facility is
11:05:03 17 located as shown on Exhibit 1 and 4 ?

11:05:08 18 A. No .

11:05:09 19 MR. ROMINE: Objection . Leading .

11:05:10 20 Q. Do you know the name of any of the
11:05:12 21 streets ?

22 A. No .

11:05:13 23 Q. Do you remember any features of
11:05:14 24 the dump site itself ?

11:05:16 25 A. No .

11:05:16 1 Q. Do you remember whether there were
11:05:18 2 any buildings on the site?

11:05:19 3 A. No.

11:05:19 4 Q. If there were any buildings, do
11:05:23 5 you remember where they were located?

11:05:24 6 A. No.

11:05:25 7 MR. ROMINE: Object ion to the form of
11:05:27 8 the question.

11:05:27 9 Q. Do you remember whether there was
11:05:29 10 any kind of a gate or a guard house or a
11:05:31 11 check point or any other thing that you had to
11:05:33 12 go through before you went onto the site?

11:05:36 13 A. There was an opening, I don't know
11:05:37 14 if it was a gate or not, but there was an
11:05:40 15 opening in that area.

11:05:41 16 Q. Other than that opening, do you
11:05:43 17 remember anything about a check point or a
11:05:45 18 guard house or --

11:05:46 19 A. No.

11:05:46 20 Q. Do you remember there being any
11:05:50 21 other personnel on or around the site that day?

11:05:55 22 A. No.

11:05:58 23 Q. When -- and you don't remember
11:06:01 24 specifically where on the site the trash was
11:06:04 25 dumped on that day?

11:06:05 1 A. No .

11:06:06 2 MR. ROMINE: Objection to the form of
11:06:08 3 the question .

11:06:11 4 MR. MOSS: Leading ?

11:06:11 5 MR. ROMINE: Leading and
11:06:12 6 mischaracterizing his testimony .

11:06:14 7 Q. Well, do you remember where
11:06:16 8 specifically on the site the trash was dumped ?

11:06:21 9 A. No .

11:06:21 10 Q. Mr. Romine asked you to mark on
11:06:24 11 Exhibits 1 and 4 the general area --

11:06:27 12 A. Where I went in .

11:06:28 13 Q. Are you suggesting based on the
11:06:33 14 markings on 1 and 4 that's exactly where --

11:06:36 15 A. Not exactly , but in that general
11:06:38 16 area .

11:06:41 17 Q. You don't remember the name of the
11:06:42 18 driver --

11:06:43 19 A. No .

11:06:43 20 Q. -- that you rode with ? And you
11:06:45 21 don't have any records , logs , diaries or
11:06:49 22 anything like that that reflects this event
11:06:53 23 back in the 1970s ?

11:06:55 24 A. No .

11:06:55 25 Q. Everything that you have testified

11:06:58 1 to today is based upon your memory , correct ?

11:07:01 2 A. Correct .

11:07:02 3 Q. Along with your trip to the site

11:07:06 4 with Mr. Walsh earlier this year , fair ?

11:07:09 5 A. Right .

11:07:14 6 Q. And other than this one occasion

11:07:17 7 sometime in the 1970s , you don't have any

11:07:20 8 information whatsoever about where plant waste

11:07:23 9 from the Dayton Tire & Rubber plant went for

11:07:27 10 disposal ?

11:07:29 11 A. No .

11:07:30 12 Q. My statement is correct ?

11:07:32 13 A. Yes .

11:07:37 14 Q. And you never had knowledge or

11:07:45 15 responsibility for plant waste pick up , hauling

11:07:48 16 or disposal ?

11:07:49 17 A. No .

11:07:56 18 Q. You don't know the specific

11:07:58 19 contents of the one dumpster that you said was

11:08:01 20 disposed of that one day ?

11:08:03 21 A. No .

11:08:03 22 Q. You don't know the specific

11:08:05 23 dimensions of that dumpster ?

11:08:07 24 A. No .

11:08:07 25 Q. You don't know what volume of

11:08:10 1 material that dumpster could contain ?

11:08:13 2 A. No .

11:08:23 3 Q. The features that you remember
11:08:29 4 from the area that you have identified is the
11:08:31 5 trailer park ; is that correct ?

11:08:33 6 A. Correct .

11:08:33 7 Q. And that was something that was
11:08:36 8 pointed out to you by Mr. Walsh when he took
11:08:40 9 you out there , correct ?

11:08:41 10 A. No , I pointed it out to him .

11:08:43 11 Q. Okay . You remember ed that ?

11:08:45 12 A. Right .

11:08:45 13 Q. But that was the only feature that
11:08:48 14 you recall ?

11:08:49 15 A. That's the only one I remember now
11:08:50 16 because everything is different .

11:08:52 17 Q. Now , when the load was actually
11:09:01 18 being dumped on the site , you remained in the
11:09:03 19 cab ?

11:09:04 20 A. Yes , sir .

11:09:04 21 Q. So you didn't actually see it
11:09:07 22 being dumped ?

11:09:08 23 A. No , sir .

11:09:08 24 Q. And you don't know what was done
11:09:10 25 with the trash at the site , whether it was

11:09:12 1 burned , buried , removed from the site , you
11:09:14 2 don't know ?

11:09:15 3 A. No .

11:09:15 4 Q. You didn't have any interaction or
11:09:18 5 contact with anybody at the site that day ?

11:09:22 6 A. No .

11:09:22 7 Q. Am I correct ?

11:09:24 8 A. Yes , you are .

11:09:30 9 MR. MOSS: Those are all the
11:09:31 10 questions I have , sir . Thank you .

11 11 CROSS-EXAMINATION

12 BY MR . HARBECK:

11:09:38 13 Q. Mr. Younker, I have some
11:09:38 14 questions . My name is Bill Harbeck . I
11:09:45 15 represent Waste Management of Ohio . Just a few
11:09:46 16 questions for you. First of all , your meetings
11:09:48 17 with Mr. Walsh who was an investigator on
11:09:51 18 behalf of the plaintiff , you said you met with
11:09:53 19 him twice in Dayton ; is that right ?

11:09:55 20 A. Yes .

11:09:57 21 Q. Okay . The first time he came to
11:10:00 22 visit you , he visited you at your home ; is that
11:10:03 23 right ?

11:10:04 24 A. Yes , sir .

11:10:04 25 Q. Did you go anywhere else other

11:10:06 1 than your home that one time ?

11:10:08 2 A. The first time , no .

11:10:10 3 Q. And then the second time he came
11:10:11 4 back out here again ?

11:10:13 5 A. Right .

11:10:13 6 Q. When was that second visit ?

11:10:15 7 A. Don't remember .

11:10:17 8 Q. Was it this year ?

11:10:19 9 A. Yeah , everything has been this
11:10:21 10 year .

11:10:21 11 Q. Within the past several months ?

11:10:23 12 A. Yeah .

11:10:23 13 Q. And the first visit was also
11:10:26 14 within this year , within the past several
11:10:29 15 months, do you think ?

11:10:29 16 A. Yes, sir .

11:10:30 17 Q. The second time Mr. Walsh drove
11:10:33 18 you to the dump site ; is that right ?

11:10:35 19 A. He drove me out there .

11:10:36 20 Q. Out there is he drove you to the
11:10:38 21 South Dayton Dump ; is that right ?

11:10:40 22 A. Yes .

11:10:41 23 Q. And did you go anywhere else after
11:10:43 24 that ?

11:10:43 25 A. Back home .

11:10:45 1 Q. Did you have any meals with Mr.
11:10:48 2 Walsh while he was here either the first visit
11:10:50 3 or the second visit ?

11:10:52 4 A. Third visit .

11:10:53 5 Q. The third visit ?

11:10:55 6 A. Yeah .

11:10:56 7 Q. When was the third time ?

11:10:57 8 A. He come to take me to dinner .

11:10:59 9 Q. When was that ?

11:11:00 10 A. The 7th of this month .

11:11:02 11 Q. So just about twelve , thirteen
11:11:05 12 days ago ?

11:11:05 13 A. Yeah .

11:11:06 14 Q. And where did he take you to
11:11:08 15 dinner ?

11:11:09 16 A. Down in Dayton .

11:11:10 17 Q. And did he take you to dinner as
11:11:13 18 sort of -- as a thank you for agreeing to talk
11:11:17 19 and meet with him ?

11:11:18 20 A. Right .

11:11:19 21 Q. And who paid for dinner ?

11:11:21 22 A. He did .

11:11:21 23 Q. Did Mr. Walsh ever provide you
11:11:25 24 with any other sort of meals or any kind of
11:11:27 25 compensation at all ?

11:11:28 1 A. No .

11:11:31 2 Q. Now , when you met with Mr. Walsh
11:11:34 3 the first time , isn't it true that you told him
11:11:37 4 that you believed that this one time visit or
11:11:40 5 trip that you made with this driver was in the
11:11:46 6 1980s ?

11:11:46 7 A. No .

11:11:46 8 MR. ROMINE: Object to the form of
11:11:48 9 the question .

11:11:48 10 Q. Do you recall ever telling
11:11:51 11 Mr. Walsh that you believe the one time you
11:11:52 12 went to the site with the driver was in the
11:11:54 13 1980s ?

11:11:56 14 A. No .

11:11:56 15 Q. Are you sure about that ?

11:11:59 16 A. Yes .

11:11:59 17 Q. How do you know it was in the
11:12:02 18 1970s ?

11:12:02 19 A. Because they closed down in 1980 .

11:12:04 20 Q. Who did ?

11:12:05 21 A. Dayton Tire & Rubber.

11:12:06 22 Q. Did Mr. Walsh at one point remind
11:12:10 23 you that the Dayton Tire facility closed in
11:12:13 24 1980 so therefore the visit you made to the
11:12:18 25 site must have been before that ?

11:12:19 1 A. No .

11:12:19 2 Q. Did anybody ever tell you that ?

11:12:22 3 A. No .

11:12:22 4 Q. So all you know is it was sometime
11:12:25 5 in the 1970s ?

11:12:27 6 A. Early '70s , right .

11:12:28 7 Q. Why do you say the early '70s ?

11:12:31 8 A. Because I wasn't working there
11:12:32 9 very long . I had only been there about five
11:12:35 10 years probably .

11:12:36 11 Q. So you think you had been working
11:12:38 12 for Dayton Tire for about five years before you
11:12:41 13 made this one time -- before the one-time event
11:12:44 14 where you went with the driver --

11:12:46 15 A. Right .

11:12:46 16 Q. -- to the site ? Okay . In your
11:12:50 17 meetings with Mr. Walsh , you said you believe
11:12:56 18 that he showed you this picture which is on
11:12:57 19 Exhibit 2 ?

11:12:58 20 A. Yes .

11:12:58 21 Q. And when Mr. Walsh showed you this
11:13:01 22 picture , did he say is this a picture of the
11:13:05 23 type of truck that you drove in to the site?

11:13:08 24 A. He just asked if that's the same
11:13:12 25 dumpster and I said no , it's not .

11:13:14 1 Q. Did he show you any other
11:13:16 2 pictures ?

11:13:16 3 A. No . That was the only one he
11:13:19 4 showed me . And then he showed me one of the
11:13:21 5 dump .

11:13:22 6 Q. I'm sorry , he showed you what ?

11:13:25 7 A. One of the dumpsite here .

11:13:27 8 Q. So Mr. Walsh also himself showed
11:13:30 9 you a picture which is blown up on Exhibit 1
11:13:33 10 but he's the one that you think it was more the
11:13:36 11 size of Exhibit 2?

11:13:37 12 A. Right .

11:13:38 13 Q. I'm sorry , Exhibit 4?

11:13:39 14 A. Yeah .

11:13:40 15 Q. And so did he show you any other
11:13:43 16 pictures ?

11:13:43 17 A. No .

11:13:44 18 Q. Did he show you any other pictures
11:13:47 19 of any other dump site in the Dayton area ?

11:13:50 20 A. Yeah .

11:13:51 21 Q. So he just showed you a picture of
11:13:53 22 what we now know is the South Dayton Dump ?

11:13:56 23 A. This here (indicating), if that's
11:13:58 24 what you're calling the South Dayton Dump .

11:14:00 25 Q. And when you said right here ,

11:14:02 1 you're pointing to Exhibit 1 , the big blowup ?

11:14:05 2 A. Right here (indicating) .

11:14:10 3 Q. You talked a little bit about the
11:14:13 4 entrance , but at this point you don't have any
11:14:16 5 recollection of whether there were other
11:14:18 6 buildings at or -- at the entrance where you
11:14:22 7 drove into the site?

11:14:23 8 A. No .

11:14:24 9 MR. ROMINE: Objection . Leading .

11:14:25 10 Q. How large was the dump site ?

11:14:29 11 A. I can't answer that .

11:14:31 12 Q. Okay . How long did it take you to
11:14:34 13 get there ?

11:14:36 14 A. Twenty minutes or so .

11:14:37 15 Q. Twenty minutes . And how do you
11:14:43 16 remember that ?

11:14:43 17 A. I don't . I'm just saying .

11:14:45 18 Q. Are you guessing ?

11:14:46 19 A. I'm guessing on the time , yeah .

11:14:50 20 MR. MOSS: Don't guess .

11:14:51 21 THE WITNESS: Don't guess . I don't
11:14:53 22 know how long it took .

11:14:54 23 Q. I mean , I do want to get your best
11:14:56 24 memory here so -- I mean , did it seem to you
11:15:00 25 you went a long ways away to the site or was it

11:15:03 1 a pretty short trip ?

11:15:04 2 A. Short trip .

11:15:07 3 Q. And approximately how many miles

11:15:10 4 if you can tell me , if you can estimate ?

11:15:14 5 A. Can't . Nope . Don't know .

11:15:17 6 Q. Are you familiar with this area ,

11:15:21 7 the streets and the general neighborhood that's

11:15:24 8 shown in Exhibit 1 ?

11:15:25 9 A. No .

11:15:29 10 Q. Where did you live when you were

11:15:30 11 working for Dayton Tire ?

11:15:32 12 A. Kettering .

11:15:32 13 Q. I'm sorry ?

11:15:35 14 A. Kettering , Ohio .

11:15:36 15 Q. And how far was Kettering from the

11:15:39 16 Dayton Tire facility ?

11:15:43 17 A. Ten minutes .

11:15:48 18 Q. And did you live in Kettering the

11:15:50 19 entire time you worked for Dayton Tire ?

11:15:55 20 A. No . I lived on Fairview for a

11:15:57 21 while , Fairview Avenue in Dayton .

11:16:00 22 Q. And what period -- you said you

11:16:03 23 were working for Dayton Tire from about 1966 to

11:16:07 24 about 1980 ?

11:16:08 25 A. Right .

11:16:09 1 Q. When did you live on Fairview in
11:16:11 2 Dayton ?

11:16:17 3 A. Fairview , I'd say from '66 to '70
11:16:22 4 maybe .

11:16:23 5 Q. Do you know , were you living on
11:16:25 6 Fairview when you took this one-time ride with
11:16:29 7 the trash driver ?

11:16:32 8 A. Don't remember that .

11:16:34 9 Q. Do you remember , was the -- never
11:16:37 10 mind , never mind . Can you describe the driver ,
11:16:44 11 what did he look like ?

11:16:47 12 A. He was an old man .

11:16:50 13 Q. Old man ?

11:16:51 14 A. Just like me now .

11:16:52 15 Q. Back then you were a young man ,
11:16:56 16 probably ?

11:16:56 17 A. I was about twenty-five ,
11:16:58 18 twenty-six, and he was in his upper forties .

11:17:00 19 Q. Do you recall at all what his
11:17:02 20 first or last name was ?

11:17:04 21 A. No .

11:17:05 22 Q. Was he a big man -- can you give
11:17:08 23 me some description , you know , tall , short ,
11:17:11 24 fat , thin ?

11:17:13 25 A. Taller than I was .

11:17:14 1 Q. How tall are you ?

11:17:15 2 A. Five seven .

11:17:16 3 Q. A lot taller or just a little

11:17:19 4 taller ?

11:17:20 5 A. Five ten . See , you got me

11:17:22 6 guessing .

11:17:22 7 Q. Again , if all you know --

11:17:25 8 A. He was taller than I was , that's

11:17:27 9 all I can tell you .

11:17:28 10 Q. But not as tall as Wilt

11:17:31 11 Chamberlain , right ?

11:17:32 12 A. No , not quite .

11:17:33 13 Q. Was he a fat , thin guy ?

11:17:37 14 A. About the way I am now and I don't

11:17:39 15 consider myself fat .

11:17:40 16 Q. And how much do you weigh , just

11:17:43 17 roughly ?

11:17:43 18 A. I weigh two twenty .

11:17:46 19 Q. Anything else that you recall

11:17:47 20 about the driver ?

11:17:48 21 A. No .

11:18:02 22 Q. When you were describing your

11:18:04 23 one-time trip to this dump site , I think what

11:18:08 24 you said was the driver went in and he unhooked

11:18:12 25 it ; is that right , he unhooked the dumpster ?

11:18:17 1 A. You will have to rephrase that
11:18:18 2 question . I don't --

11:18:19 3 Q. When you were first -- when you
11:18:21 4 were describing this one-time trip to this
11:18:23 5 dumpsite, I thought what you said was the
11:18:26 6 driver went into the site and he unhooked the
11:18:29 7 dumpster . Is that what he did?

11:18:31 8 A. He unhooked the back door .

11:18:32 9 Q. Unhooked the back door ?

11:18:35 10 A. Yeah .

11:18:35 11 Q. Okay . And what happened -- the
11:18:38 12 back door to the truck ?

11:18:39 13 A. No , to this dumpster .

11:18:42 14 Q. Okay . To the dumpster ?

11:18:44 15 A. Right . They had a closed -in door
11:18:46 16 back there .

11:18:47 17 Q. So he unhooked the back door and
11:18:50 18 then what happened ?

11:18:51 19 A. It raised up and he pushed the
11:18:53 20 trash out .

11:18:55 21 Q. Okay .

11:18:56 22 A. But I wasn't back there .

11:18:59 23 Q. As you said , you don't have any
11:19:01 24 idea what happened to that trash --

11:19:03 25 A. No .

11:19:03 1 Q. -- after he opened the back door ?

11:19:06 2 A. No , I don't .

11:19:07 3 Q. Did you see any other waste at the
11:19:09 4 site when you were there ?

11:19:11 5 A. Quite a bit .

11:19:13 6 Q. What kind of other waste did you
11:19:16 7 see at the site ?

11:19:19 8 A. Paper , just trash .

11:19:22 9 Q. Tell me a little bit more about
11:19:25 10 just trash .

11:19:25 11 A. I didn't look that hard so I can't
11:19:27 12 answer you fully .

11:19:29 13 Q. I understand .

11:19:29 14 A. All I know , it was trash .

11:19:32 15 Q. So far you saw paper ?

11:19:34 16 A. Yeah , paper .

11:19:35 17 Q. Wood ?

11:19:36 18 A. Yeah . Bottles .

11:19:38 19 Q. Cardboard ?

11:19:39 20 A. I can't answer cardboard .

11:19:42 21 Q. At this point the only thing you
11:19:44 22 recall seeing at the site was paper and wood ?

11:19:48 23 A. Yeah , trash . Trash .

11:19:49 24 Q. I understand that . I understand
11:19:52 25 paper and wood in my mind if it's all cued up

11:19:56 1 and everything that could be trash too . Is
11:20:01 2 there anything else that you saw that you are
11:20:02 3 calling trash ?

11:20:03 4 A. No .

11:20:07 5 Q. When you went into the site , did
11:20:10 6 you go through a gate or was it just a straight
11:20:13 7 drive back from the main street back into the
11:20:15 8 site?

11:20:15 9 MR. ROMINE: Asked and answered .

11:20:17 10 Q. You can go ahead and answer .

11:20:18 11 A. All I know , he turned off and he
11:20:23 12 went in . It wasn't -- I don't know if it was a
11:20:27 13 gate or just open . I would say a gate , but ,
11:20:30 14 there again , I'm guessing .

11:20:32 15 Q. Okay . And I don't want you to
11:20:34 16 guess . So at this point you don't know whether
11:20:36 17 there was a gate or not , would that be --

11:20:40 18 A. Right . I don't .

11:20:44 19 Q. Did the driver talk to anybody on
11:20:49 20 the way into the site ?

11:20:50 21 A. No .

11:20:50 22 Q. Did he get a ticket or give a
11:20:53 23 ticket ?

11:20:53 24 A. I don't know .

11:20:54 25 Q. Did he make any payment to anybody

11:20:56 1 for anything ?

11:20:57 2 A. No .

11:20:58 3 Q. Just went in and dumped it , opened
11:21:00 4 up the back and then left ?

11:21:02 5 A. To my recollection .

11:21:12 6 Q. And as far as you know , that was
11:21:16 7 the only time that a dumpster picked up by the
11:21:23 8 trash hauler during this time frame took any
11:21:27 9 waste to the site which you say is shown in
11:21:30 10 Exhibit 1 ; is that right ?

11:21:33 11 A. Right .

11:21:48 12 MR. HARBECK: That's it . That's all
11:21:49 13 the questions I have . Thank you .

11:21:54 14 MR. BARTLETT: We don't have any
11:21:55 15 questions .

11:21:57 16 MR. ROMINE: I'm going to ask the
11:21:58 17 participants on the telephone if they have any
11:22:01 18 questions for Mr. Younker .

11:22:06 19 UNIDENTIFIED SPEAKER: No .

20 REDIRECT EXAMINATION

21 BY MR. ROMINE:

11:22:08 22 Q. I do have a couple redirect
11:22:11 23 questions . Mr. Moss had asked you about the
11:22:15 24 volume of stuff that was in the truck when you
11:22:19 25 went to the site that one day . Did that stuff

11:22:22 1 come from the big blue compactor that you

11:22:27 2 usually worked with ?

11:22:32 3 A. What are you saying ?

11:22:33 4 Q. Where did the trash come from ?

11:22:35 5 A. Dayton Tire.

11:22:38 6 Q. But did it come from the big blue

11:22:41 7 compactor that you usually worked with ?

11:22:43 8 A. Right .

11:22:43 9 Q. Was there any other dumpster that

11:22:46 10 had trash that went into the truck that you

11:22:49 11 rode in that one day ?

11:22:50 12 A. No . Just that one blue dumpster .

11:22:56 13 MR. ROMINE: That's all .

11:22:57 14 MR. HARBECK: Let me -- I might have

11:23:01 15 one more question .

16 (Pause in proceedings.)

11:23:21 17 MR. HARBECK: I don't . I'm done .

11:23:27 18 MR. MOSS: We will read , please .

11:23:30 19 MR. ROMINE: Thank you very much ,

11:23:32 20 Mr. Younker, for coming in . I appreciate it .

21 (Thereupon, the deposition was

22 concluded at 11:23 a.m.)

23

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25

1 I, CECIL C. YOUNKER, do hereby certify
2 that the foregoing is a true and accurate
3 transcription of my testimony.

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Dated

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1 STATE OF OHIO)

2 COUNTY OF MONTGOMERY) SS: CERTIFICATE

3 I, Mary Jo Stevens, a Notary
4 Public within and for the State of Ohio, duly
5 commissioned and qualified,

6 DO HEREBY CERTIFY that the
7 above-named CECIL C. YOUNKER, was by me first duly
8 sworn to testify the truth, the whole truth and
9 nothing but the truth.

10 Said testimony was reduced to
11 writing by me stenographically in the presence
12 of the witness and thereafter reduced to
13 typewriting.

14 I FURTHER CERTIFY that I am not a
15 relative or Attorney of either party, in any
16 manner interested in the event of this action,
17 nor am I, or the court reporting firm with which I
18 am affiliated, under a contract as defined in
19 Civil Rule 28(D).

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1 IN WITNESS WHEREOF, I have hereunto set
2 my hand and seal of office at Dayton, Ohio, on
3 this _____ day of _____, 2013.

4
5 _____
6 MARY JO STEVENS
7 NOTARY PUBLIC, STATE OF OHIO
8 My commission expires 9-10-2016
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